

DETAILED ACTION

Status of the Application

[1] A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/6/10 has been entered.

[2] Claims 106, 109, 112-120, 125-126, 129-130, 133-134, 137-138, 141-142, 145-146, 149-150, 153-154, 157-158, 161-163, and 166-175 are pending in the application.

[3] Applicant's amendment to the claims, filed on 5/6/10, is acknowledged. This listing of the claims replaces all prior versions and listings of the claims.

[4] Applicant's remarks filed on 5/6/10 in response to the Office action mailed on 11/9/09 have been fully considered and are deemed to be persuasive to overcome at least one of the rejections and/or objections previously applied. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. Rejections and/or objections directed to claims 107-108 and 164-165 are withdrawn solely in view of the instant claim amendment to cancel these claims.

[5] The text of those sections of Title 35 U.S. Code not included in the instant action can be found in a prior Office action.

Claim Objections

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[6] The rejection of Claims 106, 109, 112-120, 163, and 166-175 under 35 U.S.C. 112, second paragraph, as being indefinite because certain claims appear to encompass fusion proteins is withdrawn in view of the instant claim amendment.

[7] Claim 106 is newly objected to in the recitation of “alanine at each of positions 214 and 232 of SEQ ID NO:37” and in the interest of improving claim form, it is suggested that the noted phrase be amended to recite, *e.g.*, “alanine at each residue corresponding to positions 214 and 232 of SEQ ID NO:37”.

[8] Claims 109 and 166 are newly objected to in the recitation of “further comprising a substitution at position 354 of SEQ ID NO:37 to other than glutamic acid”. In the interest of improving claim form, it is suggested that claim 109 be re-written as follows: “The isolated recombinant protein of claim 106, wherein the recombinant protein further has an amino acid other than glutamic acid at the residue corresponding to position 354 of SEQ ID NO:37” and claim 166 be re-written as follows: “The isolated recombinant protein of claim 163, wherein the recombinant protein further has an amino acid other than glutamic acid at the residue corresponding to position 354 of SEQ ID NO:37”.

[9] Claims 125 and 126 are newly objected to in the recitation of “protein comprising SEQ ID NO:” and in the interest of improving claim form, it is suggested that the noted phrase be amended to recite, *e.g.*, “protein comprising the amino acid sequence of SEQ ID NO:”.

[10] Claim 163 is newly objected to in the recitation of “alanine, leucine, and alanine at positions 214, 215, and 232, respectively, of SEQ ID NO:37” and in the interest of

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improving claim form, it is suggested that the noted phrase be amended to recite, e.g., “alanine, leucine, and alanine at residues corresponding to positions 214, 215, and 232, respectively, of SEQ ID NO:37”.

Claim Rejections - 35 USC § 112, Second Paragraph

[11] The rejection of Claims 106, 109, 112-120, 163, and 166-175 under 35 U.S.C. 112, second paragraph, as being indefinite because certain claims appear to encompass fusion proteins is withdrawn in view of the instant claim amendment.

Conclusion

[12] Status of the claims:

Claims 106, 109, 112-120, 125-126, 129-130, 133-134, 137-138, 141-142, 145-146, 149-150, 153-154, 157-158, 161-163, and 166-175 are pending in the application.

Claims 106, 109, 125-126, 163, and 166 are objected to for reasons noted above, but would otherwise appear to be in condition for allowance.

Claims 112-120, 129-130, 133-134, 137-138, 141-142, 145-146, 149-150, 153-154, 157-158, 161-162, and 167-175 are objected to as being dependent from claims that are objected to but would otherwise appear to be in condition for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Steadman whose telephone number is 571-272-0942. The examiner can normally be reached on Mon to Fri, 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manjunath Rao can be reached on 571-272-0939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/David J. Steadman/
Primary Examiner, Art Unit 1656